

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 872 - HB 1336

March 28, 2021

**SUMMARY OF ORIGINAL BILL:** Decreases, from 2 years to 30 months, the amount of time a transportation network company is required to maintain records relevant to rider complaints.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (003903):** Deletes all language after the enacting clause. Prohibits local governments from regulating the operation of, and requiring the release of user's personally identifiable information by, an online marketplace without a court order or administrative subpoena.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- The proposed language defines an online marketplace as a person or entity which:
  - Provides for consideration an online application, software, or website through which a good or service is advertised or offered to the public as available; and
  - Directly or indirectly provides or maintains a platform for goods or services through specified actions.
- This analysis assumes the proposed language is applicable to online marketplaces which advertise short-term rental properties (STRPs).
- The capacity in which any local governments are regulating such online marketplaces is unknown; however, it is assumed that there are instances statewide where local governments are attempting to require the release of user's personally identifiable information in order to enforce current zoning and permitting application requirements applicable to STRPs.

- It is reasonably assumed that online marketplaces currently require a local government seeking such user information to obtain an administrative subpoena or court order prior to the release of such information.
- The courts will not experience an increase in caseloads; therefore, any impact to the court system is estimated to be not significant.
- Any fiscal impact to local government is estimated to be not significant.

## **IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumption for the bill as amended:

- Prohibiting such regulation or requirement for information will not result in any significant impact to jobs or commerce in Tennessee.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/jh